

LAW OFFICES

FRANCIS R. GARTNER & ASSOCIATES

ANDREW J. KEENAN, ESQUIRE

IDENTIFICATION NO.: 61990

SUITE 200, 100 WEST ELM STREET

CONSHOHOCKEN, PA 19428

(610) 397-4636

ATTORNEY FOR DEFENDANT

JOSE SANTIAGO and
ANDREA SANTIAGO, h/w

v.

SHELBA D. JOHNSON TRUCKING,
INC.; and
SCOTT BLAKEMAN DENMARK

:
:
:
:
:
:
:
:
:

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

MARCH TERM, 2006

NO. 004110

NOTICE OF REMOVAL

TO THE PROTHONOTARY:

Kindly take notice that Defendants have removed the above matter to the United States District Court for the Eastern District of Pennsylvania and a true and correct copy of the Notice of Removal is attached hereto.

FRANCIS R. GARTNER & ASSOCIATES

BY:

ANDREW J. KEENAN, ESQUIRE

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JOSE SANTIAGO and
ANDREA SANTIAGO, h/w**

:
:
: C.A.
:

v.

:
:
:
:
:
:
:

**SHELBA D. JOHNSON TRUCKING,
INC.; and
SCOTT BLAKEMAN DENMARK**

**NOTICE OF REMOVAL BY DEFENDANTS SHELBA D. JOHNSON TRUCKING,
INC. and SCOTT BLAKEMAN DENMARK**

AND NOW, Defendants Shelba D. Johnson Trucking, Inc. and Scott Blakeman Denmark, by and through their undersigned counsel hereby file this notice of removal of this action from the Court of Common Pleas of Philadelphia County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania, pursuant to 28 USCA § 1441 and § 1446 and aver as follows:

1. The above captioned matter was commenced in the Court of Common Pleas of Philadelphia County on March 30, 2006 at March Term, 2006 No. 004110. A true and correct copy of Plaintiffs' Complaint is attached hereto and marked as Exhibit "A".

2. Defendants received notice of the filing of Plaintiffs' Complaint in the Court of Common Pleas of Philadelphia County by certified letter from Plaintiffs' attorney on April 6, 2006.

3. Plaintiffs Jose Santiago and Andrea Santiago reside at 716 West Raymond Street, Philadelphia, Pennsylvania 19140.

4. Defendant Shelba D. Johnson Trucking, Inc. is a North Carolina Corporation with a principal place of business located at 1640 Blair Street, Thomasville, North Carolina 27360.

5. Defendant Scott Blakeman Denmark is an adult individual who resides at 119 Maplewood Avenue, Thomasville, North Carolina.

6. The alleged motor vehicle accident that is the subject of this lawsuit occurred on April 7, 2004 in Cayuga Street at or near its intersection with 9th Street in the City and County of Philadelphia. It is believed and therefore averred that the amount in controversy is in excess of the sum of \$75,000, exclusive of interests and costs since Plaintiffs' counsel has declined to sign a Stipulation indicating that the claim does not exceed the amount of \$75,000, exclusive of interests and costs.

7. Plaintiffs reside in Philadelphia, Pennsylvania and Defendants are citizens of the state of North Carolina and the accident occurred in Philadelphia, Pennsylvania and removal to this Honorable Court is proper pursuant to 28 USCA § 1441 and 1446.

WHEREFORE, Defendant respectfully requests that this matter proceed before this Court as an action properly removed.

Respectfully submitted,

BY:

**ANDREW J. KEENAN, ESQUIRE
ATTORNEY FOR DEFENDANTS
FRANCIS R. GARTNER & ASSOCIATES
IDENTIFICATION NO. 61990
100 WEST ELM STREET, SUITE 200
CONSHOHOCKEN, PA 19428
(610) 397-4636**

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<u>JOSE SANTIAGO and</u>	:	
ANDREA SANTIAGO, h/w	:	C.A.
	:	
v.	:	
	:	
SHELBA D. JOHNSON TRUCKING,	:	
INC.; and	:	
SCOTT BLAKEMAN DENMARK	:	
	:	

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

ANDREW J. KEENAN, ESQUIRE, attorney for Defendants, hereby certifies that a true and correct copy of Defendants' Notice of Removal was served upon Plaintiffs' attorney Todd A. Newman, Esquire, Brownstein, Pearlman, Wiezer & Newman, P.C., 3 North 2nd Street, Philadelphia, PA 19106, by way of regular first class mail, postage prepaid on April 26, 2006.

FRANCIS R. GARTNER & ASSOCIATES

BY:

ANDREW J. KEENAN, ESQUIRE
ATTORNEY FOR DEFENDANTS
FRANCIS R. GARTNER & ASSOCIATES
IDENTIFICATION NO. 61990
100 WEST ELM STREET, SUITE 200
CONSHOHOCKEN, PA 19428
(610) 397-4636